



**STATE OF VERMONT  
HUMAN RIGHTS COMMISSION  
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December 29, 2000

Speaker of the House  
President Pro Tempore of the Senate  
The Statehouse  
Montpelier, Vermont

Dear Speaker of the House and President Pro Tempore of the Senate:

On behalf of the Commissioners and staff of the Human Rights Commission, we are pleased to submit the Commission's 2000 Annual Report.

Certainly the most noteworthy human rights development in Vermont in 2000 was the enactment of Vermont's Civil Union law. The Human Rights Commission is proud of the role it played in this momentous achievement; its efforts are described later in this report.

Among the responsibilities with which the Legislature has charged the Commission is the duty to endeavor through public education to increase the awareness of the importance of full civil and human rights for each inhabitant of the state. 9 V.S.A. § 4552(a). The Commission fulfills this mandate by conducting seminars about Vermont's civil rights laws, by speaking with groups about their rights and obligations under those laws, and by responding to inquiries from individual members of the public.

A grant from the United States Department of Housing & Urban Development enabled the Commission to significantly expand its education and outreach efforts in 2000 and, during the year, the Commission more than tripled the number of educational events in which it participated. The Commission's staff met with such diverse groups as the Vermont Association for the Blind and Visually Impaired, the Vermont Association of Realtors, the Americans with Disabilities Act Coalition, the Vermont Coalition for Disability Rights, the Vermont Housing Managers Association, the Vermont Refugee Resettlement Project, the Women of Color Alliance, Vermont Psychiatric Survivors, Outright Vermont, and Vermont CARES.

The Commission engaged in the following additional educational activities in 2000:

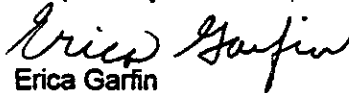
- created and distributed more than 15,000 copies of an easy-to-read brochure describing the State's civil rights laws and the Commission's role in enforcing them.
- prepared and distributed fact sheets explaining the fair housing rights of mobile home tenants, families with children, and individuals with disabilities.
- prepared and distributed fact sheets explaining the Civil Union Law.
- prepared and distributed a fair housing public service announcement that ran on radio stations throughout the state.
- created a web page.

As the Commission intensified its educational activities in 2000, it maintained a high level of activity in its other areas of responsibility - enforcing the state's civil rights laws, examining the effectiveness of those laws, and recommending measures to protect civil rights. These efforts are described later in this report.

The Commission also experienced dramatic personnel changes in 2000. Three new Commissioners joined the five-member Commission during this year. In addition, the Commission hired and integrated into its five-member staff three new investigators in 2000. The new personnel bring energy, enthusiasm, and new ideas to the Commission and we look forward to working with them in 2001.

The Commissioners and staff remain committed to protecting the civil rights of all Vermonters.

Respectfully submitted,



Erica Garfin

Commission Chair



Harvey Gofubock  
Executive Director

## **MANDATE**

The Vermont Human Rights Commission is the state agency having jurisdiction over claims of unlawful discrimination in housing, state employment, and the provision of goods and services by businesses (including stores, restaurants, professional offices, and hospitals) and by state and local governments (including schools). The Commission has three statutorily mandated roles: enforcement, conciliation, and education.

The Commission is charged with enforcing Vermont's civil rights laws. It investigates allegations of discrimination and determines whether there are reasonable grounds to believe that unlawful discrimination occurred in a case. The Commission's staff seeks to resolve charges through conciliation and mediation. If the Commission finds that there was discrimination in a case and the case cannot be settled, the Commission is authorized to go to court to obtain remedies for violations of the State's anti-discrimination laws.

The Commission is also charged with increasing "public awareness of the importance of full civil and human rights for each inhabitant of this state," with examining "the existence of practices of discrimination which detract from the enjoyment of full civil and human rights," and with recommending "measures designed to protect those rights." 9 V.S.A. §4552. In furtherance of these goals, the Commission's staff speaks with individuals and groups about their rights and responsibilities under state and federal civil rights laws, works with individuals, agencies, and groups to combat bias and bigotry, and supplies information and advice to the Legislature as it considers bills.

## **OUTLINE OF AN INVESTIGATION**

- ☒ Office hours: 8:00 a.m. - 5:00 p.m. Monday - Friday  
Telephone number: (800) 416-2010 (Voice/TTY)  
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E-mail address: human.rights@hrc.state.vt.us  
Website: www.hrc.state.vt.us
- ☒ Anyone who believes that he or she has been subject to unlawful discrimination may file a charge under oath with the Commission. Charges may be filed in person at the Commission's offices, by telephone, or in writing. The Commission may accept a charge for investigation if it states a prima facie case, that is, if the facts alleged in the charge amount to unlawful discrimination.
- ☒ The person or entity against whom a charge has been filed is sent a copy of the charge and asked to respond in writing to the allegations in the charge.
- ☒ Investigators on the Commission's staff investigate the charge and the response by interviewing the parties and witnesses and gathering and analyzing documents and other information.
- ☒ The Commission encourages settlements between parties and its staff attempts to facilitate settlements at all stages of a case. In addition, the Commission offers parties the services of professional mediators at no cost to assist them to settle cases. If the parties arrive at a resolution of the charge that is satisfactory to them and the Commission, the Commission will close the case and take no further action in the case except to assist in enforcing the terms of the settlement, if that becomes necessary.
- ☒ If the parties cannot arrive at a settlement, the Commission's Investigators will complete the investigation and prepare an Investigative Report. The Report states the facts as the Investigator found them and, based upon those facts and the applicable law, recommends that the Commission find either that there are reasonable grounds to believe that unlawful discrimination occurred or that there are no such grounds.
- ☒ The Investigative Report is not the final outcome of the case; it is only a recommendation to the Commissioners. The Commission sends the Investigative Report to both parties and invites them to submit written responses explaining why they agree or disagree with the Report. The Commissioners review the Investigative Report and the parties' written responses to the Report before they meet to consider a case.
- ☒ The Commission notifies the parties of the date of the meeting at which the Commissioners will consider their case and encourages them to attend the meeting in person or by telephone. Parties attending the meeting have the opportunity to make oral presentations to the Commissioners and to answer the Commissioners' questions about the case. After considering the Investigative Report, the written responses of the parties, and the presentations at the meeting, the Commissioners make a final determination, by majority vote, whether there are reasonable grounds to believe that unlawful discrimination occurred.
- ☒ If the Commission finds reasonable grounds to believe that discrimination occurred, its staff will again try to facilitate a settlement. If no settlement can be reached, the Commission will either commence a lawsuit or close the case.

# **JURISDICTION**

The Vermont Human Rights Commission has jurisdiction over allegations of discrimination in the following areas:

<b><u>HOUSING</u></b> (rental/sale)	<b><u>PUBLIC ACCOMMODATIONS</u></b> (schools, restaurants, stores, professional offices, govern- ment agencies, and other places offering goods or services to the public)	<b><u>STATE EMPLOYMENT</u></b>
Race	Race	Race
Color	Color	Color
Sex	Sex	Sex
Religion	Religion	Religion
National Origin	National Origin	National Origin
Disability	Disability	Disability
Sexual Orientation	Sexual Orientation	Sexual Orientation
Marital Status	Marital Status	
Age		Age
Minor Children		
Public Assistance		
		Ancestry
		Place of Birth
		HIV related blood test
		Workers' Compensation
		Family/Parental Leave

## **EDUCATION AND OUTREACH**

The Commission is charged with increasing the public's awareness about Vermont's civil rights laws. It fulfills this mandate by conducting seminars about civil rights laws, by speaking with groups about their rights and responsibilities under those laws, and by responding to inquiries from individual members of the public. The Commission substantially increased its education and outreach efforts in 2000 and more than tripled the number of educational events in which it participated during the year. The Commission's staff participated in the following events in 2000:

- Vermont Realtors Association  
Interactive Television presentation on fair housing laws
- Outright Vermont  
Presentation at conference on Gay and Lesbian Youth
- Castleton State College  
Participated in panel on race discrimination
- Vermont Housing Managers Association Annual Conference  
Presentation on fair housing laws
- Vermont/New Hampshire Campground Owners Annual Conference  
Presentation on relevant topics in civil rights laws
- St. Michael's College
  - Presentation at faculty conference on hate crimes
  - Participation in "town meeting" on racial harassment in schools
- Central Vermont Board of Realtors  
Presentation on fair housing laws
- Vermont Bar Association  
Presentation of employment discrimination law update
- Amyotrophic Lateral Sclerosis ("Lou Gehrig's" Disease) Association  
Presentation on relevant issues in disability discrimination law
- Women of Color Alliance  
Discussion of racial diversity issues
- Vermont Association of the Blind and Visually Impaired  
Presentations at four sites throughout the state on relevant issues in disability discrimination law
- Bellows Free Academy (St. Albans)  
Provided information at Diversity Day

- Vermont Psychiatric Survivors  
Presentation on relevant issues in disability discrimination law
- Vermont EXPO  
Provided information about the Commission and employment discrimination laws
- Vermont Refugee Resettlement Project  
Presentation on the work of the Commission and relevant topics in civil rights law
- Vermont Bar Association  
Presentation on renting and the fair housing laws
- Vermont Pride Day 2000  
Provided information about the work of the Commission, Vermont's Civil Union law, and relevant civil rights issues
- Vermont CARES  
Presentation on the work of the Commission and on relevant topics in civil rights laws
- Vermont Employment Lawyers Association  
Participated in discussion about the work of the Commission
- Vermont Coalition for Disability Rights  
Participated in discussions about legislative initiatives
- "Talk of Vermont" radio program  
Interviewed about the work of the Commission and civil rights in Vermont
- ADA Coalition  
Participated in planning for the commemoration of the tenth anniversary of the Americans with Disabilities Act
- 1999 Disability Summit  
Presentation on eliminating architectural and communications barriers to individuals with disabilities

The Commission engaged in the following additional educational activities in 2000:

- created and distributed more than 15,000 copies of an easy-to-read brochure describing the State's civil rights laws and the Commission's role in enforcing them.
- prepared and distributed fact sheets explaining the fair housing rights of mobile home tenants, families with children, and individuals with disabilities.
- prepared and distributed fact sheets explaining the Civil Union Law.

- prepared and distributed a fair housing public service announcement which ran on radio stations throughout the state.
- created a web page.



## **LEGISLATIVE ACTIVITY**

Among the responsibilities with which the Legislature has charged the Human Rights Commission is the duty to “examine and evaluate” the effectiveness of Vermont’s civil rights laws and “the existence of practices of discrimination which detract from the enjoyment of full civil and human rights.” The Commission is further required to “recommend measures designed to protect those rights.” 9 V.S.A. § 4552(a). The Commission fulfills this mandate by, among other things, suggesting legislation designed to protect Vermonters’ civil rights, commenting on proposed legislation that would affect civil rights, and providing information and advice to the Legislature.

During the 2000 Legislative Session, the Human Rights Commission worked to secure the passage of the bills described below.

### **Act 91– Civil Union Act**

Vermont’s civil rights laws were amended in 1992 to prohibit discrimination in housing, employment, and public accommodations because of a person’s sexual orientation. Based upon its experience handling cases of sexual orientation discrimination, the Human Rights Commission adopted a resolution in 1996 calling for gays and lesbians to be afforded the right to marry.

In 1998, the Commission submitted a brief in support of that position to the Vermont Supreme Court in Baker v. State. In December 1999, the Supreme Court ruled in Baker that the Vermont Constitution required the State to extend to same sex couples the benefits and protections that flow from marriage under Vermont law.

During the 2000 Legislative Session, the Commission supported legislation granting same sex couples the rights, benefits and responsibilities of marriage. Its staff testified before the House and Senate Judiciary Committees and provided information and legal background material to legislators. The Human Rights Commission is gratified by the wisdom and courage of the Vermont Supreme Court and Vermont’s Legislature and Governor in securing the rights and benefits of marriage to same sex couples.

Since the enactment of the Civil Union Act, the Human Rights Commission has devoted its efforts to ensuring that Vermonters understand the Act’s provisions. It has prepared and distributed a fact sheet explaining the new law to every town clerk in the State and has circulated the fact sheet widely to those likely to be affected by its provisions. It has also prepared and circulated informational articles about the law to the media. As a member of the Civil Union Review Commission, the Human Rights Commission is collecting information in order to report to the Legislature about the implementation, operation, and effectiveness of Act 91.

## **H. 473 – Civil Rights in Education Act**

In 1999, the Vermont Advisory Committee to the United States Civil Rights Commission issued a report entitled “Racial Harassment in Vermont Public Schools.” The report found that racial harassment was “pervasive” in Vermont’s schools and that “[e]xisting State law is deficient in addressing the problem of racial harassment on a systemwide basis.” Report, pp. iii-iv. H. 473 sought to address the deficiencies the Civil Rights Commission found and the Commission supported it.

Portions of H.473 were incorporated into S. 76, a bill prohibiting hazing and harassment, which was enacted as Act 120.

## **Act 115 – Non-Payment of Rent and Termination of Leases**

H. 343 was an omnibus bill covering many aspects of the landlord-tenant relationship. The Human Rights Commission focused on only one portion of the bill – a provision prohibiting residential housing providers from charging prospective tenants fees to apply to rent units.

In its investigation of housing discrimination complaints, the Commission learned that some housing providers were charging prospective tenants substantial fees to apply to rent vacant units. Because of the acute rental housing shortage in parts of the State, a prospective tenant often had to apply to rent a number of units and pay a number of application fees before he or she was accepted as a tenant. As a result, the application fees became prohibitively costly for prospective low income tenants.

H. 343 was enacted as Act 115.

## **S. 255 – Gender Identity**

Some individuals’ gender identities or expressions conflict with their physical sex. They include pre- and post-operative transsexuals, individuals living in a gender other than their sex who do not pursue surgery, cross-dressers, “mannish” women, and “feminine” men.

Because these individuals’ gender identities and expressions differ from conventional expectations of masculinity and femininity, they are targets of violence and discrimination. The Legislature recognized that fact when it amended the state’s Hate Crimes Law in 1999 to add “gender identity” to the list of characteristics covered by that act.

Vermont statutes prohibit discrimination in housing, employment, and public accommodations because of an individual’s sex and sexual orientation. Rulings in other jurisdictions have suggested that similar statutes do not protect individuals from discrimination because of their gender identities and expressions. S. 255 would have granted protection from discrimination based upon gender identity. The Commission supported the bill.

S. 255 was not enacted.

### **H. 312 – Sexual Assault of Inmates**

Vermont is one of only a handful of states that do not have legislation explicitly outlawing sexual contact between correction officers and prison inmates. H. 312 would have amended the criminal law to specify that correction officers who have sexual contact with inmates under their supervision are deemed to have acted without the inmates' consent and are guilty of criminal sexual assault. The Commission supported the bill because correction officers who supervise inmates have enormous power over the inmates' lives. Unscrupulous individuals can use their power to extort sexual favors through explicit or implicit threats of retaliation or promises or rewards. The bill recognized the enormous imbalance of power and the impossibility of genuine consent under the circumstances of prison life.

H. 312 was not enacted.

## **MEDIATION PROGRAM**

The Human Rights Commission instituted a Mediation Program in 1998 to provide professional mediators to assist parties resolve cases in a mutually acceptable manner.

The Commission has contracted with a number of professional mediators to mediate Commission cases at no cost to the parties. If the Commission's staff determines that a case is appropriate for mediation, it sends the parties information about mediation and an invitation to participate in mediation. Mediation is entirely voluntary; it will not take place unless both parties agree to it. If the parties elect to participate in mediation, they meet with a mediator who attempts to help them to work out a mutually satisfactory resolution of the case. If the mediation produces a settlement which the Commission accepts, it will close the case and take no further action except to assist in enforcing the terms of the settlement, if that becomes necessary. If the case is not settled through mediation, the Commission's staff will complete the investigation of the case and the Commission will issue a final determination.

The Mediation Program fulfills a number of Commission goals:

- Mediation is an effective method for achieving equitable results through a collaborative, rather than an adversarial, approach to resolving disputes. Studies have shown that there is greater satisfaction with dispute resolutions arrived at through the approach used in mediation than through resolutions imposed in litigation. In addition, mediation is quicker and less expensive than investigations and litigation.
- Discrimination charges are often only one facet of parties' disputes. Mediation allows parties to be creative in crafting a resolution of the full range of issues dividing them.
- The Commission's staff has always attempted to facilitate settlements and continues to do so. However, because of the Commission's fact-finding and enforcement functions, some parties are reluctant to discuss their positions with the staff with a frankness that is conducive to settlement. Since what goes on in mediation is confidential, parties' discussions are less inhibited. In addition, although attempting to facilitate settlements is an important role of the Commission's staff, unlike mediators, the staff cannot devote their exclusive attention to conciliation.
- Mediation allows the Commission to focus its limited resources on cases which cannot be settled, cases which raise broad policy issues, cases which affect a large number individuals and cases in which the respondent has previously violated the law.

The Commission has offered mediation in 73 cases since the Program's inception. Parties have accepted mediation offers in 39 cases and have rejected them in 29 cases. Mediation has led to settlements in 21 cases; settlements were not reached in 10 mediated cases.

Some of the settlements arrived at through mediation are described below.

### **School Cases**

- A high school agreed to revise its harassment procedures, to have its staff trained in diversity issues, and to pay \$30,000 to a student who alleged that he had been racially harassed at the school.
- A college agreed to pay \$30,000 to a student who alleged she had been sexually harassed by a staff member.
- A high school agreed to pay \$15,000 to a female student who alleged that she had been sexually harassed when she tried out for a previously all-male sports team.
- A college agreed to pay \$15,000 to a student who alleged that it had refused to provide reasonable accommodations for her disability.
- A school agreed to hire outside professionals to provide diversity training for its staff and entire student body.
- A high school agreed to pay for the home schooling of a student who withdrew from school because of what she contended was sexual harassment.

### **Employment Cases**

- Employers made payments of \$98,000, \$50,000, and \$30,000 in settlement of three cases in which female employees alleged that they had been sexually harassed by their co-workers.
- A school agreed to pay \$10,000 to a teacher who alleged that the school had retaliated against her for claiming that the school failed to provide reasonable accommodations for students with disabilities.
- A college agreed to grant free tuition to the two daughters of a former employee who alleged that the college had discharged her because of her disability.

### **Other Cases**

- A city agreed to install a ramp at city hall and make a restroom there accessible to individuals with disabilities and to pay the charging party \$22,500.
- A housing provider agreed to pay \$1,500 to an individual with disabilities who alleged that the provider refused to permit her to keep a service dog in her mobile home.
- A housing provider agreed to pay \$1,000 to a woman who alleged that the provider refused to rent her a unit because of her sexual orientation.
- A housing provider agreed to set aside a parking space for a tenant with a mobility impairment.
- A campground agreed to allow a child with a skin disorder to use its pool

## **CASE SUMMARIES**

Some of the cases the Commission handled in 2000 are described below.

### **PUBLIC ACCOMMODATIONS**

#### **Disability Discrimination Cases**

- Charge alleges that state agency failed to grant request by candidate with learning disability for additional time on qualifying exam.
- Several charges allege that universities and colleges failed to grant requests by students with learning disabilities for additional time on tests and to complete assignments.
- Charge alleges that motel refused to give handicapped-accessible room to patron who used a wheelchair because she was accompanied by a service dog.
- Charge alleges that patron in wheelchair cannot shop at store because displays block the aisles and store employees refuse to move the displays or retrieve items for her.
- Charge alleges that police station was not accessible to hearing-impaired individuals because telephones in station used to speak with desk sergeant did not have volume controls.
- Charge alleges that city hall was inaccessible to individuals using wheelchairs because ramp was allowed to deteriorate to the point where it had to be torn down and then was not replaced and because it lacked handicapped parking spaces.
- Several charges allege that businesses and restaurants are not accessible to individuals with disabilities because they lack ramps, handicapped-accessible restrooms, and handicapped parking.
- Charge alleges that restaurant became inaccessible to patrons in wheelchairs because it allowed ramp to become impassible due to build-up of ice and snow.
- Charge alleges that fast food restaurant failed to provide means for deaf patrons to order.
- Charge alleges that town library is not accessible to individuals with disabilities because it lacks a ramp.
- Charge alleges that resort discriminated against an individual with a disability when it refused to allow a child who is a Hepatitis B carrier to attend its summer program.
- Charge alleges that bank closed a customer's account and issued a No Trespass Order against him because of his mental disability.

- Charge alleges that school retaliated against a teacher because she complained that it failed to provide reasonable accommodations for two deaf students.
- Charge alleges that motel refused to rent a room to a women with multiple chemical sensitivities after she asked about the brand of the cleaners it used.
- Charge alleges that dental office is not accessible to individuals with disabilities because it lacks a ramp.
- Charge alleges that store issued a Notice against Trespass to a woman because of her mental disability even though she had never entered the store.

### **Racial Discrimination Cases**

- Several charges allege that store clerks treated African American patrons in a demeaning manner and refused to provide services because of their race.
- Charge alleges that restaurant employee treated bi-racial couple in a hostile manner.
- Charge alleges that hotel falsely told an African American women that no rooms were available and treated her in a rude and hostile manner because of her race.
- Charge alleges that store employee used racial slurs to mother of bi-racial child.
- Charge alleges that town police harassed African American resident because of his race.
- Charge alleges that restaurant evicted African American patron because of her race when she complained about the food she had been served.
- Charge alleges that store employee refused service to an African American woman because of her race.

### **School Cases**

- Charge alleges that elementary school students harassed student with developmental disabilities by calling him names and hitting him and that school failed to take adequate steps to protect him.
- Charge alleges that students sexually harassed female middle school student by spreading rumors that she performed sexual acts and school failed to take adequate steps to protect her.
- Several charges allege that high school students verbally and physically harassed gay students and that schools failed to take adequate steps to stop the harassment.
- Charge alleges that school bus driver harassed African American student because of his race.

- Charge alleges that preschool refused to admit student to its program because he was a boy.
- Charge alleges that students harassed student with Tourette's syndrome and obsessive-compulsive disorder and school failed to protect student.
- Charge alleges that elementary students called African American student racial epithets and school failed to take adequate steps to protect the student.
- Charge alleges that male teacher sexually harassed female high school student by hovering around her and sending her a "secret admirer" note.
- Charge alleges that male college official sexually harassed female student by sending her sexually offensive e-mail messages.
- Charge alleges that high school students harassed student because of his sexual orientation and religion and that school failed to take adequate steps to protect him.
- Charge alleges that graduate program denied admission to a student because of her race, national origin, and marital status.

#### **Other Cases**

- Charge alleges that state agency refused to assist foreign-born individual find employment because of her accent.
- Charge alleges that physician refused to prescribe medication for a sexual dysfunction to unmarried male because physician stated that his religion forbade premarital sexual activity.
- Charge alleges that employee at car repair shop made sexually suggestive comments to female patron.
- Charge alleges that business refused admittance to a Bosnian refugee because other Bosnian emigrants had previously been involved in an altercation there.

#### **HOUSING**

- Numerous charges allege that prospective tenants were denied units when housing providers learned they received public assistance. One charge alleges that a housing provider told a prospective tenant who received public assistance that he would not rent to him because he was not employed. Other charges allege that housing providers raised rent or security deposits when they learned that prospective tenants received public assistance.
- Numerous charges allege that housing providers refused to rent to prospective tenants when they learned that there were children in their households. Other charges alleged that housing providers stated that they would not rent units to households with children because the units were not large enough. One charge



alleges that housing provider refused to rent to single mother with several children because he wanted a "complete family." Another charge alleges that mobile home park owner told prospective purchaser of mobile home located in the park that he would not rent him the lot on which the home was located because he did not want children in the park. Yet another charge alleges that housing provider refused to rent second-floor unit to household with children because physician's office was located on first floor. Other charge alleges that housing provider refused to rent unit to household with children because provider stated that the stairs were too steep and his insurance would not allow it.

- Several charges allege that housing providers refused to set aside parking spaces for tenants with disabilities.
- Charge alleges that male housing provider entered female tenant's apartment, made sexual overtures toward her, and served her with an eviction notice when she called the police. Another charge alleges that male housing provider entered female tenant's apartment, made sexually suggestive comments, and threatened to evict her when she rebuffed him. Other charges allege that male housing providers entered female tenants' apartment, made sexually suggestive comments, and suggested that they exchange sex for rent.
- Several charges allege that tenants with mobility impairments were not permitted to move from upstairs units to vacant ground floor units.
- Charge alleges that housing provider served notice of termination of tenancy in retaliation for statements tenant made during the Human Rights Commission investigation of another tenant's housing discrimination charge.
- Charge alleges that housing provider served notice of termination of tenancy because elderly tenant with disabilities complained that he had fallen on uneven patio.
- Charge alleges that housing provider stated that he would not rent unit to two 19-year-old prospective tenants because he previously had trouble with tenants who were students.
- Charges allege that housing providers refused to allow tenants with depression to keep dog despite letters from physicians stating that tenants needed the dogs because of their depression.
- Charge alleges that housing provider refused to rent unit to prospective tenant with multiple sclerosis because housing provider said he did not want to see prospective tenant suffer.
- Charge alleges that housing provider harassed Cambodian tenant because of her national origin.
- Charge alleges that when housing provider learned that tenants were lesbians, he served them with notice of termination of tenancy.

- Charge alleges that housing provider served notice of termination of tenancy when tenant notified him that her young son had elevated levels of lead in his blood.
- Charge alleges that several tenants harassed another tenant because of his mental disabilities and that housing provider refused to take any action in response to complaints by the harassed tenant.
- Charge alleges that housing provider refused to rent unit that was not handicapped-accessible to prospective tenant with mobility impairment.

### **STATE EMPLOYMENT**

- Several charges allege that men were hired or promoted over women who were more qualified. Other charges allege that women were hired or promoted over men who were more qualified.
- Several charges allege that employees were subjected to harassment in the workplace by their co-workers because of race, sex, sexual orientation, or disability.
- Several charges allege that employees were discriminated against in hiring or promotion because of their age. One charge alleges that employees' position was eliminated because of his age.
- Several charges allege that agencies failed to make reasonable accommodations for qualified employees with disabilities.
- Charge alleges that agency failed to hire prospective employee for position for which she was qualified in retaliation for sexual harassment charge she filed when she worked at the agency several years earlier.

## **LITIGATION**

If the Commission finds reasonable grounds to believe that discrimination occurred in a case, its staff attempts to settle the case in a manner which eliminates the discrimination and its effects. If this effort is unsuccessful, the Commission is authorized to initiate a lawsuit seeking an injunction, damages, attorney's fees, and a \$10,000 penalty. The Commission engaged in litigation in the following cases in 2000:

### **Human Rights Commission v. Benevolent and Protective Order of Elks of the United States of America and Benevolent and Protective Order of Elks, Hartford, Vermont, Lodge No. 1541, Washington Superior Court**

In 1995, the Elks repealed its rule prohibiting women from becoming members. In 1997, six women applied for membership in the Hartford Elks Lodge. Each woman had been associated with the Lodge over a long period of time, each met all the qualifications for membership, and each was recommended for membership by the Lodge's Membership Committee. Nevertheless, the Lodge rejected each of their membership applications. The Lodge had 1,008 male members and no female members at the time and had not rejected a membership application during the previous five years.

The Commission filed a lawsuit contending that the Elks denied the women membership because of their gender in violation of Vermont's Fair Housing & Public Accommodations Act. The parties completed discovery during the year and at year's end were preparing motions for summary judgment.

### **Terry Rogers and Vermont Human Rights Commission v. WAL-MART Stores, Inc., Washington Superior Court**

This action alleges that WAL-MART employees refused to permit a woman with emotional and hearing disorders to enter the store with her service dog and harassed her after her physician had explained to the store manager the nature of the woman's disabilities and her need for the dog.

WAL-MART removed the case to federal court and the Commission obtained an order remanding it to state court. The parties are now engaged in discovery.

## **GLOSSARY**

Some of the terms used in the graphs appearing on the following pages are defined below.

**Administrative Dismissal:** Cases closed for one of the following reasons: failure of the Charging Party to sign and return a charge to the Commission, failure of the Charging Party to cooperate with the investigation, failure of the Charging Party to substantiate the charge, or lack of jurisdiction.

**Final Determination:** The vote of the Commissioners on the charges in a case. Final determinations are based on the Investigative Report prepared by the staff, written comments submitted by the parties, and oral presentations to the Commissioners by the parties or their representatives at a Commission meeting. The final determination can be a finding that there are **reasonable grounds** or **no reasonable grounds** to believe that unlawful discrimination occurred. If a charge claims that discrimination was based on more than one protected category, a final determination in the case will generally include findings as to each protected category. The Commissioners may also vote to reopen a case for further investigation; if that occurs, the Commissioners will issue a final determination at a subsequent Commission meeting. If only four Commissioners take part in the deliberations on a case, with two voting to find reasonable grounds and two voting to find no reasonable grounds, the final determination is a **tie** which the Commission treats as a no grounds finding.

**Informational Inquiries:** The Commission's staff receives and responds to a wide variety and a large number of requests for information about anti-discrimination laws enforced by the Commission or other agencies and allegations of illegal acts over which the Commission does not have jurisdiction, such as, for example, allegations of violations of constitutional rights or of state and federal statutes which the Commission is not authorized to enforce.

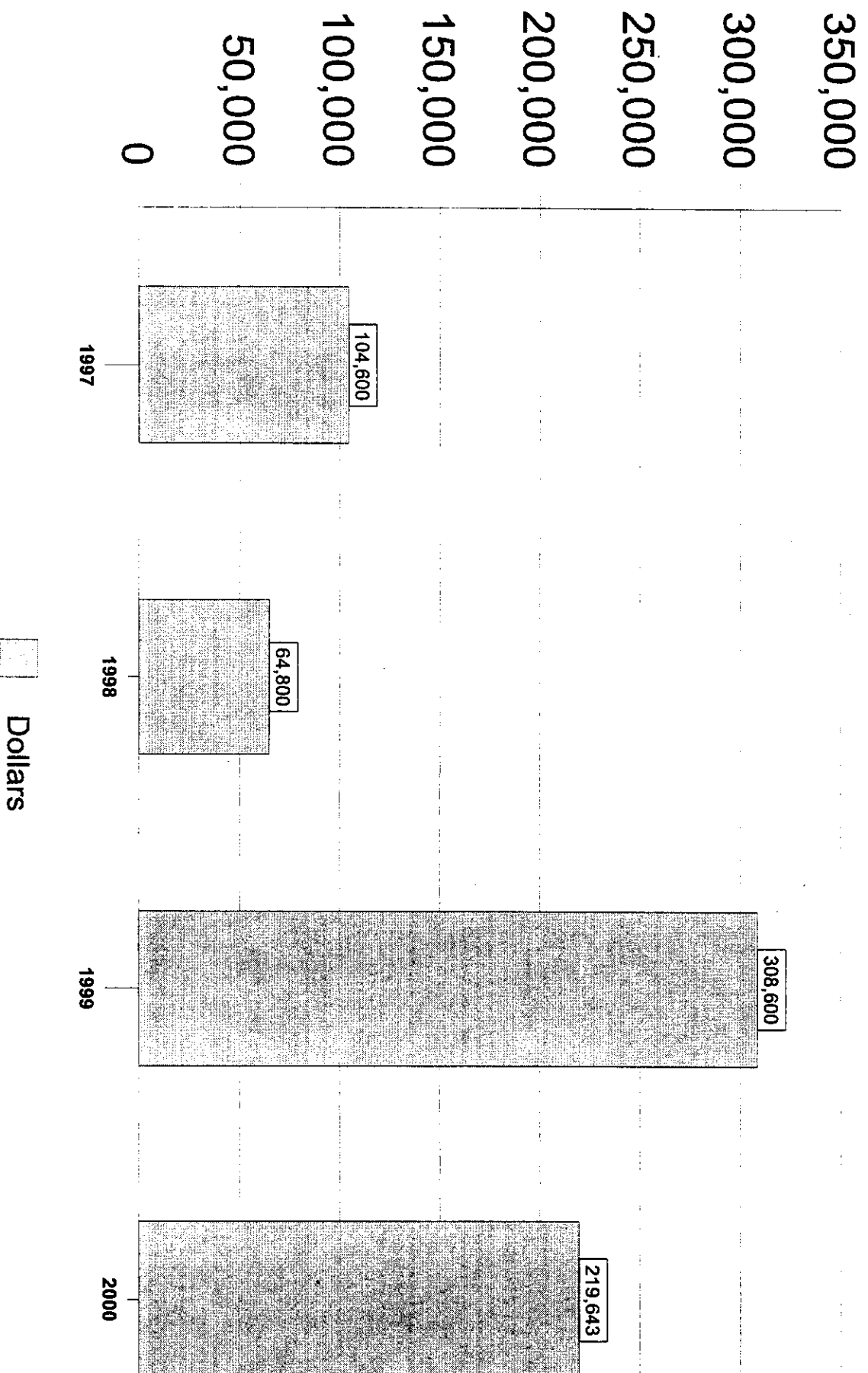
**Pre-Determination Conciliation Agreement:** The settlement of a charge of discrimination before the Commission has made a final determination is called a Pre-Determination Conciliation Agreement (PDCA). PDCA's are voluntary agreements between the parties and frequently include terms proposed by the Commission. The Commission encourages the parties to enter into PDCA's. PDCA's are public documents.

**Post-Determination Conciliation Agreement:** The settlement of a charge of discrimination after the Commission has made a final determination that there are reasonable grounds to believe that discrimination occurred is called a Post-Determination Conciliation Agreement (Post-DCA). Post-DCA's are voluntary agreements between the parties and the Commission reached in lieu of litigation. If the parties do not sign a Post-DCA within six months of the final determination, the Commission will decide whether to commence litigation or to dismiss the case. The Commission encourages parties to enter into Post-DCA's. Post-DCA's are public documents.

**Protected Category:** A characteristic or condition of an individual (such as, e.g., race, sex, sexual orientation, national origin, disability). Vermont law prohibits discrimination in housing, places of public accommodation, and employment on the basis of certain protected categories. A charge filed with the Commission may allege discrimination on the basis of more than one protected category.

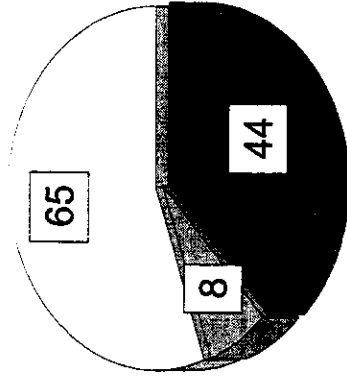
**Withdrawal:** A party may withdraw his or her charge of discrimination at any time prior to a final determination, with the approval of the Commission's Executive Director.

# MONETARY RECOVERIES IN COMMISSION CASES

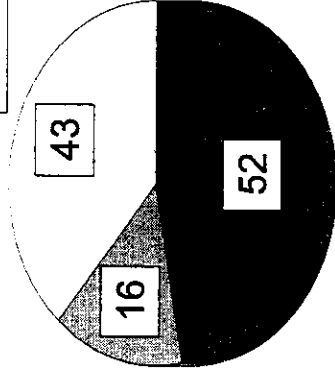


# Number of Charges Filed Annually

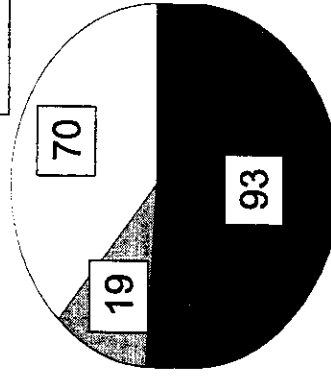
FY00-117 Charges



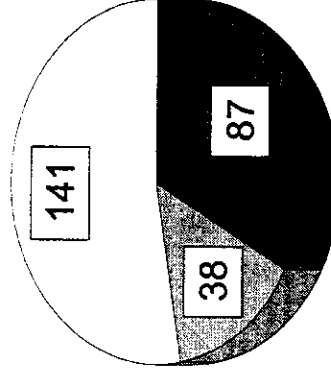
FY99-111 Charges



FY98-192 Charges



FY97-266 Charges



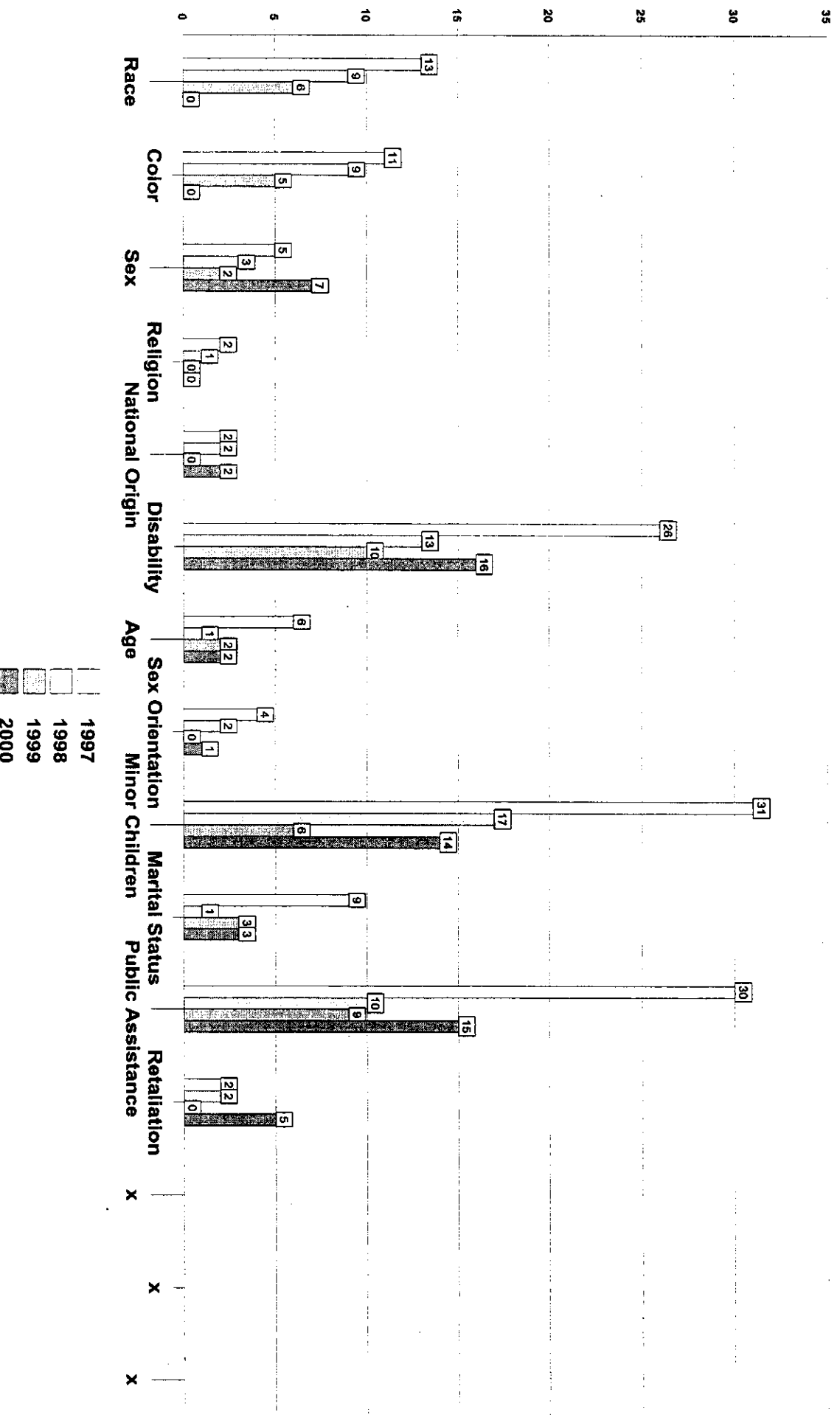
Housing

State Employment

Public Accommodations

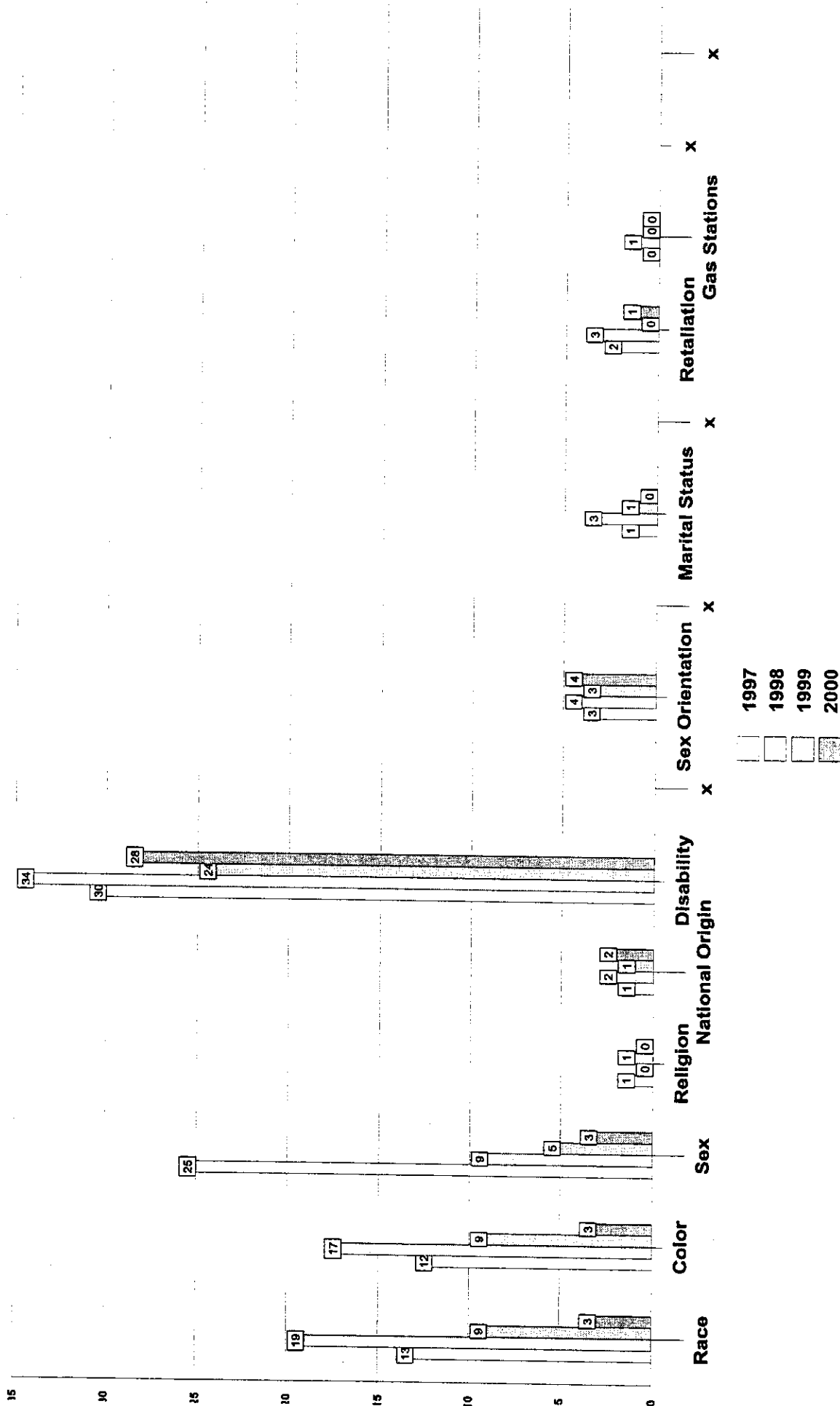
# Breakdown by Protected Category of Charges filed Annually

## HOUSING



# Breakdown by Protected Category of Charges filed Annually

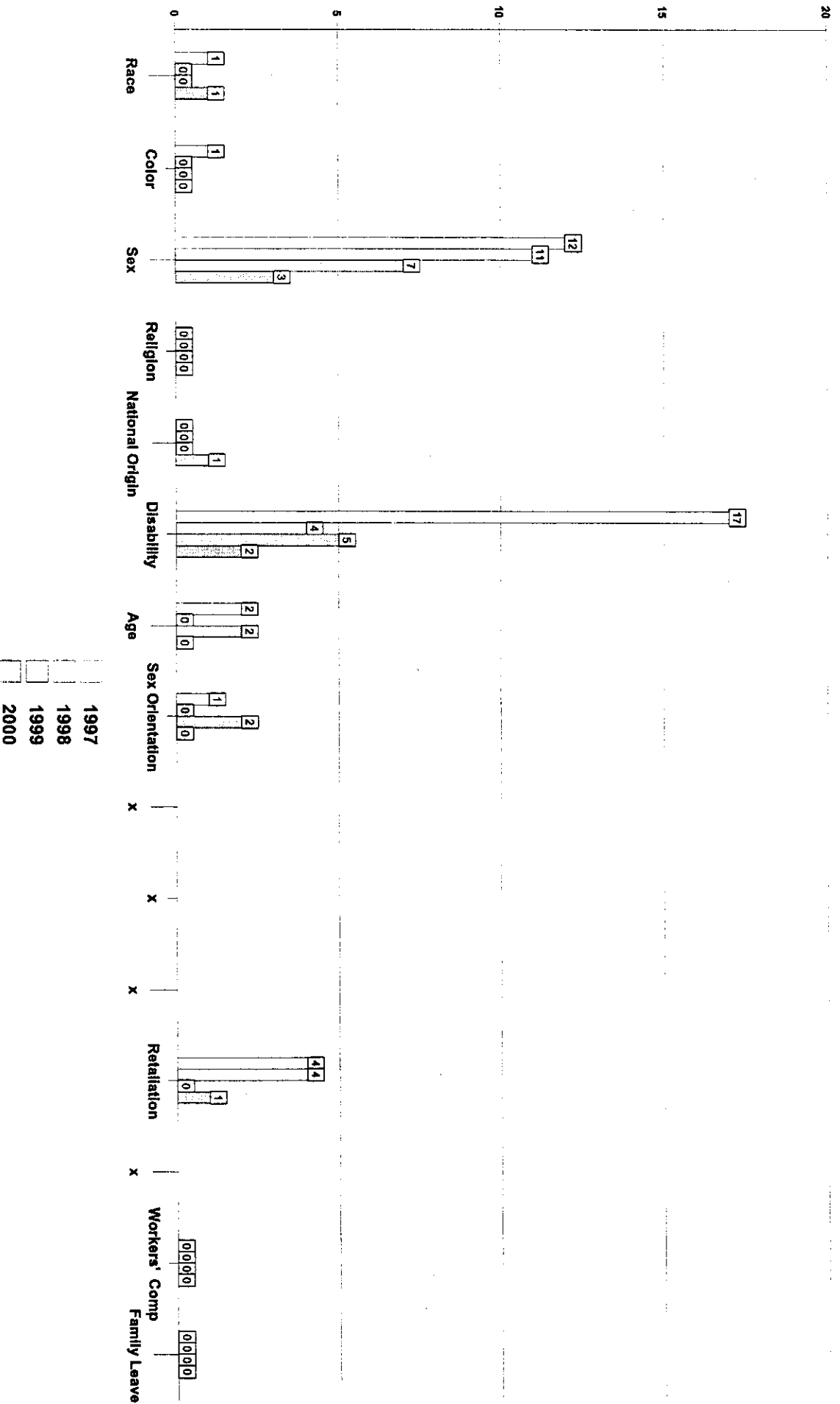
## PUBLIC ACCOMMODATIONS



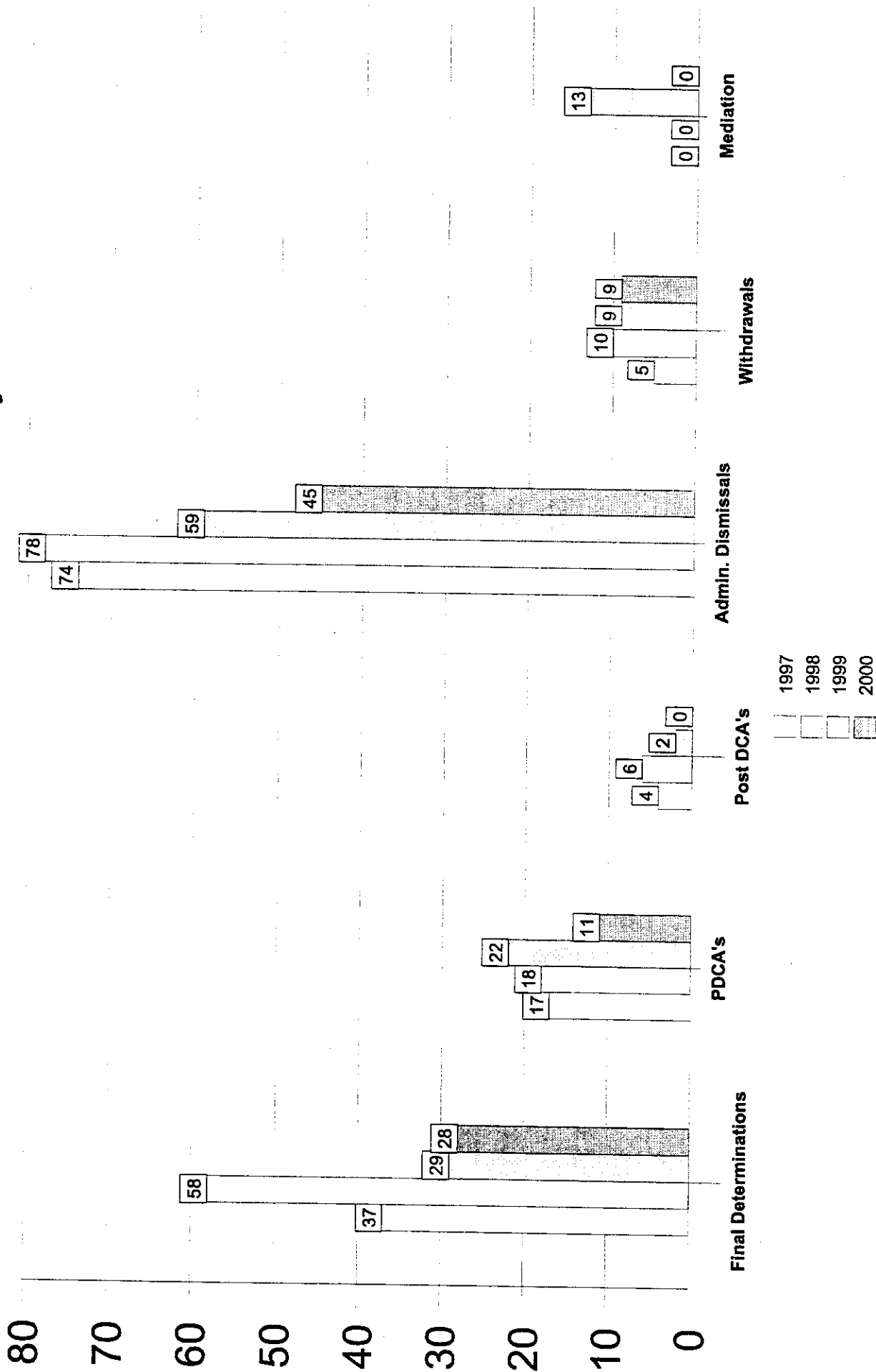


# Breakdown by Protected Category of Charges filed Annually

## STATE EMPLOYMENT

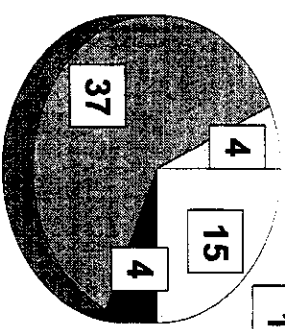


# Breakdown of Cases Closed Annually

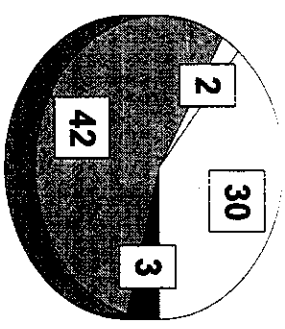


# Annual Breakdown of Final Determinations

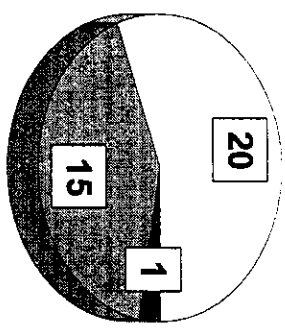
1997-60 Charges



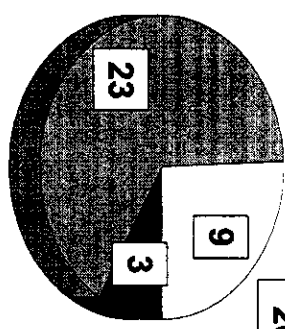
1998-77 Charges



1999-36 Charges



2000-28 Charges



- Reasonable Grounds
- Reopened
- No Reasonable Grounds
- Tie Vote

**Number of Informational Inquiries Received Annually**  
**(does not include filed charges)**

